

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

VIRNETX INC.,

Plaintiff,

v.

CISCO SYSTEMS, INC. and APPLE INC.,

Defendants.

Civil Action No. 6:10-cv-00417-LED

JURY TRIAL DEMANDED

**DECLARATION OF AMEET A. MODI IN SUPPORT OF DEFENDANTS' MOTION
FOR A STAY PENDING ONGOING REEXAMINATION PROCEEDINGS**

I, Ameet A. Modi, declare that:

1. I am an associate in the law firm of Desmarais LLP and counsel for Defendant Cisco Systems, Inc. ("Cisco") in the present action. I make this Declaration based on personal knowledge.

2. Attached hereto as Exhibit 1 is a true and correct copy of excerpts from the June 18, 2012 Action Closing Prosecution from the reexamination proceedings of U.S. Patent No. 6,839,759.

3. Attached hereto as Exhibit 2, and filed under seal, is a true and correct copy of excerpts from the Expert Report of James T. Carmichael as served on VirnetX in the above-captioned case.

4. Attached hereto as Exhibit 3 is a true and correct copy of excerpts from VirnetX's Response To Office Action Of March 1, 2012 from the reexamination proceedings of U.S. Patent No. 7,418,504.

5. Attached hereto as Exhibit 4 is a true and correct copy of excerpts from VirnetX's Response To Office Action Of October 14, 2011 from the reexamination proceedings of U.S. Patent No. 6,839,759.

6. Attached hereto as Exhibit 5 is true and correct copy of excerpts from VirnetX's Response To Office Action Of April 20, 2012 from the reexamination proceedings of U.S. Patent No. 7,490,151.

I declare under penalty of perjury that the foregoing is true and correct. Executed in New York, New York.

DATED: August 29, 2012

/s/ Ameet A. Modi
Ameet A. Modi